

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.1997

Date of hearing: 27th Feb., 2020

Complainant : Shri Rajender Prasad-Present

Respondent : District Magistrate (North), Revenue Department, GNCTD
Through :
Shri Shyam Prakash, BDO (N)
& others.

Grievance No. : PGC/2018/A-II/Rev./19

1. Background

A grievance made by Shri Rajender Prasad, against officials of the Revenue Department, GNCT of Delhi, was received in the Commission vide Diary/Grievance No PGC/2018/A-II/Rev./19 in which Shri Rajender Prasad has alleged that a plot No. 422 in village Daryapur Kalan, allotted to him under 20-Point Programme of the then government has been encroached upon for construction of Dada Dev Mandir and park in the village, without his consent and without following laid down procedure. He has further requested allotment of plot in lieu of above said plot.

The grievance of Shri Rajender Prasad has been dealt extensively not only by the Public Grievances Commission, Delhi, but also at the level of concerned Sub-Divisional Magistrate, area Dy. Commissioner, Divisional Commissioner & Secretary (Revenue), GNCT of Delhi, Chief Secretary, Delhi and Hon'ble Deputy Chief Minister/Chief Minister of Delhi besides the Hon'ble Court and

Commissioner of Disabilities, GNCT of Delhi.

Considering the above, the Commission finds it expedient to pass a reasoned short order to conclude and dispose off the present grievance in the interest of public, which has been found to be addressed at multiple channels/levels of governance and is akin to forum shopping when the same has been rendered dismissed by a court of law itself. Accordingly, after hearing the parties concerned and officials on various occasion and perusing the material available on record carefully, the said grievance is being disposed of herein by this order.

2. Observations

From perusal of grievance petition alongwith rejoinder(s) filed by the complainant, reports/ATRs filed by the concerned BDO (North) and the material made available on record by the interested and relevant stakeholders, the following has emerged, for final determination of the grievance.

The petitioner was allotted plot No. 422 under 20-point programme in the village Dariyapur Kalan, as is alleged on the basis of LR-37 given by the then Gram Pardhan under his signature. (No signature of other authorities/officals). Moreover, the name of petitioner does not find its mention in the Resolution dated 6.3.1987 & 26.3.1987.

The contention of the petitioner that the land was allotted to him in 1987 is not supported by documents. No documentary proof except LR 37 is available with the petitioner. His name is not figuring in the concerned register (Resolution Register) and does not have the mandatory approval of the Competent Authority. Moreover, there is nothing on record to prove that the petitioner was ever in the possession of the land which he claims was allotted to him.

It is a matter of record, petitioner's father was also allotted land under the scheme-20 point programme from the Gram Sabha land vide LR 37 No.7490 dated 6.3.1987 and as per eligibility criteria no other family member could be allotted any other land *per se* under 20 point programme which makes the applicant ineligible for allotment of additional plot as per the criteria for allotment of residential plots to landless/homeless.

A park has been developed by I&FC (Irrigation & Flood Control) Department on the said land, besides other residential plots given by the then Gram Pradhan, on the request of the then Hon'ble MLA Shri Chand Ram. However, no supporting documentary proof is available in respect of such permissions or voluntary contributions .in the revenue office (s).

3. Directions

(i)The petitioner has not been able to produce any record conclusively proving the allotment of land (residential plot of 80 sq.mtr.) to him or his possession of the said land at any point of time. Since his father too was allottee of land under the same scheme, the claim of the complainant/petitioner for another plot, under 20-point programme, is not tenable given the eligibility conditions.

(ii) This issue of allotment of land was taken up at multiple fora by the petitioner, where the records were repeatedly examined, but the contentions of the complainant could not be

supported.

(iii) Lack of such records point to the inefficiency of the Revenue Department for which the concerned authorities should make remedial measures. In the absence of any proof to suggest that the petitioner was in possession of a plot in the said land of which he was illegally dispossessed, the non availability of documents cannot be a basis for claiming land by the petitioner.

(iv) From the above discussion, it is amply clear that the complainant was neither eligible for the said allotment of land nor there has been a duly approved allotment being made as per the approval of competent authority, in the Resolution Register under the 20-point programme of the govt. **Negative equality, howsoever justified, cannot be granted in the realm of law.**

(v) All other discussions pertaining to non-furnishing of information under RTI Act and/or non production of orders are found to be irrelevant for the present adjudication of the grievance.

(vi) Therefore, the Commission is of the considered view that the present grievance has no merits and accordingly the same is **closed**. Further, as regards allegations that several others have been allotted residential plots and are similarly placed like the petitioner, the petitioner is at liberty to source the relevant and credible evidence in respect thereof and may approach the Commission or any other appropriate forum including Hon'ble Courts for appropriate relief.

(vii) The Department of Revenue, through the Divisional Commissioner and Secretary (Revenue) is advised to further direct its officials to keep all the official government transactions properly recorded and documented for all purposes and make the same available to the Commission as and when required for the adjudication of grievances.

(SUDHIR YADAV)
MEMBER(PGC)

No.F. PGC/2018/Annex.II/Rev./19/

Dated :

1. Shri Rajiv Verma, IAS, Principal Secretary (Revenue)-cum- Divisional Commissioner, Revenue Department, Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi-110054.
2. Shri Deepak Arjun Shinde, District Magistrate (North), Revenue Department, Govt. of NCT of Delhi, DM Office Complex, BDO Block, Alipur, Delhi-110036.
3. Shri Shyam Prakash, BDO (North), Revenue Department, Govt. of NCT of Delhi, DM Office Complex, BDO Block, Alipur, Delhi-110036--
4. Shri Rajender Prasad